

REMARKS

35 U.S.C § 102(e)

Claims 57, 58, 60-64, 67 and 69-73 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,769,991 to Fields. Applicant respectfully disputes the rejection for several reasons as set forth below.

To anticipate a claim, the reference must disclose each and every element of the subject claim. As set forth below, Fields fails to disclose several elements recited in the rejected claims.

By way of background, the present invention relates to a fully automated system whereby players are able to obtain a portable gaming device from a dispenser like a kiosk. Fields discloses a partially automated, cashier-based system. The design of the Fields system is wholly inferior to the present invention both technically and because Fields involves human participation between the player and receipt of a playing unit. Casinos or bingo halls do not seek more labor but seek the ultimate convenience for their players. The present invention provides the convenience through a fully automated and secure dispenser.

The Examiner states that the self-service dispenser of the claims of the present invention is met with the combination of elements (20) and (10). A thorough review of Fields reveals that the central computer (10) and charging rack (20) operate a point-of-sale cashier station. Specifically, "As players pay a cashier for a number of bingo cards or for a particular adventure game scenario, the cashier operates the central computer to download the bingo card configurations or the fantasy scenario into a game pack (40)." See, column 9, lines 13-17. Further, Fields states, "The game pack (40) is removed from the rack (20) and given to the player, who locates and opens the playing unit (60) and inserts the game pack or plug-in module (40) therein." See, column 9, lines 22-24. Thus, clearly, Fields does not disclose a self-service dispenser but rather a cashier operated dispenser which requires at least one member of casino personnel to assist the player. Independent claims 57 and 73 recite a "self-service dispenser" which as set forth throughout the specification of the present application means an automated system whereby a player, without assistance

from casino personnel, is able to acquire a fully operational portable gaming device.

The Examiner further states that the at least one portable gaming device is met with the combination of elements (40) and (60). The combination offered by the Examiner simply does not meet the portable gaming device. Critically, only the game pack (40) is ever housed and dispensed while the actual playing unit (60) is not housed or dispensed. See, Figs. 1 and 2. The game pack (40) is nothing more than a data transfer device which must be connected to the playing unit (60) to transfer data received from a host computer (10) to the game playing unit (60). See, column 6, lines 54-56. Independent claim 57 recites "A self-service dispenser for dispensing at least one portable gaming device," "said gaming device receiving data via a first two-way communication channel from said computer while being housed in said dispenser" and "said data enabling operation of said portable gaming device following dispensing of said gaming device from said dispenser." That is, the portable gaming device is housed and dispensed. Independent claim 73 recites similar limitations. Fields does not disclose or suggest housing or dispensing a portable gaming device, but rather a game pack (40) which is clearly not the same.

A player can do nothing with a game pack (40) without the playing unit (60). Thus, the Examiner's contention that the combination, comprising the game pack (40) and playing unit (60), meets the limitation of the portable gaming device is not correct. Fields discloses only that a game pack (40), not a portable gaming device, is housed and dispensed.

The Examiner further states that the two-way secure communication channels with one being secure and wherein the dispenser and portable gaming device are in wireless communication is met by the suggestion in Fields that the input means could be constructed to operate wireless and would include a radio-frequency receiver. It is first noted that independent claim 57 recites two two-way communication channels and two transceivers. A transceiver is a combination of a receiver and transmitter thus capable of receiving data from the computer and transmitting data to the computer. There is no disclosure or suggestion in Fields of even one two-way communication channel or any transceiver. To the contrary, Fields suggests only that the central computer may transmit bingo numbers automatically to the playing units (60). However, the ability to receive a

signal is not the same as being able to communicate in a two-way manner with the central computer. Moreover, there is no mention of real time (i.e., during game play) two-way communication between the central computer and a portable gaming device.

The Examiner lastly states that "the latch limitation is met with the frictional engagement of the elements (40) to the element (20). The predetermined event limitation is met with the removal of the element (40) from the element (20)." As disclosed above, the game pack (40) is not the portable gaming device but, at best, a component thereof. Clearly, the pre-determined event referred to in the present application is not to be construed to mean the actual physical disengagement of the elements (40) and (20). The event is a separate pre-determined event, which as claimed releases the latch. The purpose is to secure the gaming device in the self-service dispenser so that the gaming device is not taken without the occurrence of a pre-determined event (e.g., payment). Claim 59 specifically defines one such pre-determined event as the insertion of monetary consideration. Such a latch is not necessary for the Fields invention since a cashier is responsible for distributing the game packs (40) to players after they pay or are otherwise authorized to obtain a game pack (40). A self-service dispenser as disclosed in the present application requires a form of security. Independent claim 73 recites that the latch is controlled by the computer.

It is further noted that a latch is a physical device which must be released to permit a player to obtain a portable gaming device. See, paragraph [0045]. Contrarily, only a slight applied force (i.e., a user pulls the game pack (40) out of the charging rack (20)) is needed to disengage said game packs (40) from the charging rack (20). Consequently, if the game packs (40) and charging rack (20) (as shown in Fig. 1) were placed in a public location, nothing, other than casino personnel, would prevent a player from taking all of the game packs (40) out of the charging rack (20). The latch of the present invention physically prevents a player from taking any portable gaming device until a pre-determined event has occurred. That is, once the player pays for the portable gaming device, the latch is released and the player is free to take one portable gaming device.

The disclosure or suggestion of a self-service dispenser, portable gaming device, two-way communication channel and latch are each clearly lacking in Fields.

Consequently, independent claims 57 and 73 are not anticipated and therefore allowable over Fields. Accordingly, by law, the claims depending from claims 57 and 73 are allowable as well.

35 U.S.C. § 103(a)

Claims 65-68 and 75-79 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Fields.

Obviousness under section 103 is premised on one skilled in the art. More specifically, would one skilled in the art find the claimed subject matter obvious in light of the reference(s).

In this instance, one skilled in the art would not find the subject of the rejected claims obvious in light of Fields.

The Examiner states that the computer (10) may operate as a point-of-sale cashier. Based on this, the Examiner contends that it would have been obvious to one of ordinary skill in the art to add the well-known POS cashier equipment.

The present invention as claimed is a self-service dispenser (kiosk), not a point-of-sale cashier requiring human participation. Each of the Examiner's arguments fail because the present application and claims refer to an automated system and Fields is directed to human operated system.

For example, claims 65 and 75 each recite a "bill validator." A bill validator serves to accept currency automatically from a customer. The purpose of the bill validator is to eliminate the need for a human cashier. It would be wasteful to employ a bill validator along side a human cashier. In fact, some retail outlets (e.g., supermarkets or gas stations) have both, but in distinct locations. As set forth throughout the specification of the present application, one primary objective of the invention is to create a totally automated system: A bill validator is one device which helps accomplish this objective.

Claims 68 and 76 each recite a barcode reader in combination with the self-service dispenser. Again, Fields does not disclose or suggest a self-service dispenser. Similarly, claims 66 and 79 recite a card reader in combination with the self-service dispenser. Claim 67 recites a printer in combination with the self-service dispenser.

Claim 77 recites "said dispenser credits the user's account with bonus points as an

incentive for returning said portable gaming device." Similarly, claim 78 recites "wherein said dispenser refunds a deposit fee of said account upon the return of said portable gaming device to said dispenser." Fields fails to disclose anything remotely similar to the aforementioned limitations.

Accordingly, the obviousness rejection must fail as Fields fails to disclose or suggest the aforementioned imitations.

Response to Arguments

The Examiner states that the Applicant has not disclosed any particular encryption means and has just mentioned that a channel is secure. As detailed below, Applicant respectfully disputes the Examiner's statement.

The specification of the present application includes a wealth of information regarding encryption means which may facilitate the embodiments of the present invention. The applicant discloses means to secure "public radio channel" through an authentication "by an encryption key downloaded at a dispensing kiosk." See, paragraph [0014]. The use of the encryption key prevents the radio communication from being intercepted. See, paragraph [0014]. Applicant specifically discloses the use of a "private encryption key...generated by UDK2...typically known in the industry under a variety of names (e.g., a digital encryption key, DES key, an authentication key, a private key, a digital signature key, a hashing algorithm, etc.)." See, paragraph [0058]. Applicant illustrates a specific example of such a security key in Fig. 7 identified by reference numeral 82. Moreover, applicant also cites U.S. Patent Nos. 4,670,857 to Rackman, 5,643,086 to Alcorn et al, 6,071,190 to Weiss et al, and 6,149,522 to Alcorn et al for specific examples of encryption keys. Applicant also discloses means for generating the key (82) by stating in particular, that "[A] random encryption key (82) is generated by PC21 with the help of random number generation software utility ..." See, paragraph [0058]. Applicant further recommends a preferred length of the authentication field (85) of the encryption key (82) to be equal to "five hundred and twelve bits" which is typically used in the DES encryption key specifically taught by applicant. See, paragraphs [0057] and [0059].

The above-identified encryption material is only a portion of the material disclosed in the present application. The Applicant is not claiming to have invented two-way

communication channels only their use with the wireless wagering system of the present application.

Conclusion

It is respectfully submitted that the application is now in condition for allowance and, accordingly, reconsideration and allowance are respectfully requested. Should any questions remain regarding the allowability of the application, the Examiner is invited to contact the undersigned at the telephone number indicated below.

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The Commissioner is hereby authorized to charge any deficiency or credit any overpayment of fees which may be required by this paper to Deposit Account No. 502466 including any fee for extension of time, or the fee for additional claims which may be required. Please show our docket number with any Deposit Account transaction. A copy of this letter is enclosed.

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